

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

United States of America

Plaintiff,

v.

Civil Action No. CV-75-S-666-S

Jefferson County Alabama, Et Al.,

Defendants.

John W. Martin, Et Al.,

Plaintiffs,

v.

Civil Action No. CV-74-S-17-S

City Birmingham, Alabama, Et Al.,

Defendants.

Ensley Branch of the NAACP, Et Al.,

Plaintiffs,

v.

Civil Action No. CV-74-S-12-S

George Seibels, Et Al.,

Defendants.

**MOTION FOR A STAY OF PROCEEDINGS
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of proceedings in the above-captioned case.

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funds will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of proceedings until appropriations are restored to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. At this time, counsel believes that the lapse in appropriations will not affect the status conference scheduled for October 31, 2013, and sees no case deadlines that will be affected. If those circumstances change, however, counsel may request an extension commensurate with the duration of the lapse in appropriations.

5. Undersigned counsel for the United States has contacted counsel for the defendant, Jefferson County, and counsel for co-plaintiffs, the Martin/Bryant Parties.

6. Counsel for Jefferson County stated that Jefferson County cannot consent to a complete or wholesale stay of the case due to the fact that Jefferson County has immediate hiring needs including, but not limited to, the need to appoint an Election Coordinator in advance of an upcoming special election to fill an open seat in the Alabama House of Representatives. Counsel for Jefferson County stated that Jefferson County is willing to consider alternatives other than a complete stay of the case and

believes that the Court can and should move forward with the appointment of the Receiver even if other portions of the case requiring the United States participation do not go forward. Counsel for the United States appreciates that Jefferson County recognizes the difficult position that counsel for the United States is currently in.

7. Counsel for the Martin/Bryant Parties stated that the Martin/Bryant Parties cannot consent to a complete or wholesale stay of the case. Counsel for the Martin/Bryant Parties states that the Martin/Bryant Parties would oppose a stay any actions of the Court including, but not limited to, considering possible Receiver candidates and entering orders pertaining to the Decree Modification and Receiver appointment.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the United States hereby moves for a stay of proceedings in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted.

JOCELYN SAMUELS
Acting Assistant Attorney General
Civil Rights Division

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Chief
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/s/ Joseph J. Sperber IV
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CERTIFICATE OF SERVICE

I hereby certify that this 1st day of October 2013, I caused the foregoing Motion for Stay of Proceedings to be filed with the Court via the Court's Case Management Electronic Case Filing System ("CM/ECF") causing it to be served upon the individuals registered for service via the CM/ECF system.

/s/ Joseph J. Sperber IV

Joseph J. Sperber IV